

Appl. No. 09/998,806
Atty. Docket No. 8317
Amdt. dated 09/16/2003
Reply to Office Action of 4/22/03
Customer number 27752

REMARKS/ARGUMENTS

Claims 1-29 remain in the case. Claims 1, 4, 5, and 16 have been amended to recite that both the reservoir layer and the surface contacting layer comprise hydrophilic polypropylene fibers. Basis is at page 9, line 16 (surface contact layer) and line 26 (reservoir layer). Claim 7 has been amended to simply recite that the substrate is substantially free of binder. Basis is at page 8, l. 17-18. The amendments add no new matter, and entry is requested.

Rejections Under 35 USC 112

Claim 7 stands rejected under §112, for reasons of record at page 2 of the Office Action. It is submitted that the amendment to Claim 7 now meets the requirements of §112, first and second paragraphs. Reconsideration and withdrawal of the rejections are requested.

Rejections Under 35 USC 102

Claims 1-17 stand rejected over U.S. 6,028,018, for reasons of record at page 3 of the Office Action.

Applicants respectfully traverse the rejections, to the extent they may apply to the claims as amended herewith.

The now-amended claims require both the reservoir layer and the at least one surface contacting layer of the substrate to contain hydrophilic polypropylene fibers. This is in direct contrast to the teachings of '018, which require that one of the layers of the disclosed substrate includes fibers that are not included in the other layer. See '018 at Col. 2, l. 6, l. 24, l. 41, as well as Col. 2, l. 13-16.

In short, it is submitted that nothing in '018 teaches or suggests the use of hydrophilic polypropylene fibers, neither in the surface contacting layer, nor in both layers of a layered substrate. Since these requirements of the present claims are not taught by '018, reconsideration and withdrawal of the rejections under §102 are requested.

Rejections Under 35 USC 103

Claims 18-29 stand rejected over '018 in view of U.S. 6,548,136, for reasons of record at page 4 of the Office Action.

Applicants respectfully traverse the rejections, to the extent they may apply to the claims presented herewith.

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As noted above, Claim 1 has been amended to recite the presence of the hydrophilic polypropylene fibers in both the contacting layer and the reservoir layer. Claims 18-29 all ultimately depend from Claim 1 and, therefore, carry this same defining element.

As also noted above, '018 teaches away from having the same type of fibers in both layers of a substrate of the present type.

It is submitted that the combination of '136 with '108 adds nothing with regard to fiber type in the substrate structure of the present invention.

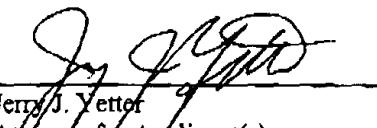
Indeed, it is submitted that a reference, such as '018, which teaches away from the present invention, cannot properly be combined with another reference to make a rejection under §103. *Michael L. McGinley v. Franklin Sports, Inc.*, 262 F. 3d 1339; 60 U.S.P.Q. 2d (BNA) 1001 (CAFC 2001) and cases cited therein. It is requested that the rejections under §103 be reconsidered and withdrawn.

In light of the above remarks, early and favorable action in the case is respectfully requested.

Respectfully submitted,

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